



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0218

APPEAL by Conor Fyans care of James McInerney Planning Consultant of 8 Rochford Park, Kill, Naas, County Kildare against the decision made on the 7th day of August, 2018 by South Dublin County Council to refuse outline permission.

Proposed Development: Construction of a five bedroom, split level bungalow (circa 230 square metres) with proprietary waste water treatment system and percolation area, soakaway, bored well, landscaping, shared existing vehicular access and driveway and all ancillary site works (previous permission granted under planning register reference number SD07A/0942) on a 0.431 hectare site at Stoney Lane (also referred to as Stoney Park and known locally as Fyans Lane), Rathcoole, County Dublin

Decision

REFUSE outline permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to Housing (H) Policy 20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022, which states: 'It is the policy of the Council to restrict the spread of dwellings in the rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements'. It is considered that no justification has been provided which would warrant the setting aside of the objectives of this Policy. The proposed development would, therefore, materially contravene the objectives of the Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area. The proposed development would, therefore, be contrary to proper planning and sustainable development of the area.

2. The site is located in the Athgoe and Saggart Hills landscape character area, as set out in the South County Dublin Development Plan 2016-2022, where the landscape character and sensitivity is classified as high and the landscape capacity is negligible to low and, on the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the proposed development would not have a significant impact on landscape character in this location. The proposed development would, therefore, be contrary to Policy HCL7 of the Development Plan relating to the preservation and enhancement of the character of the County's landscapes in areas of high landscape value and/or sensitivity and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development, by virtue of the steeply sloped nature of the site and the proposed use of cut and fill to accommodate the design into the site, would be contrary to Policies H16 and H27 of the South County Dublin Development Plan 2016-2022, relating to development on steep or varying topography sites and rural house design. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development is located on the alignment of the Western Dublin Orbital Route (South) as indicated on Map Number 8 of the South County Dublin Development Plan 2016-2022, and which is indicated at Table 6.6 of the Development Plan to be a medium to long term road objective of the Council. Development of the kind proposed would be premature pending the determination by the local authority of a detailed alignment and design for this route.

5. Having regard to the lack of a Site Suitability Assessment report or an assessment of the capacity of the site to accommodate storm water generated by the development, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

Stephen Bohan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.